

The Gazette of India



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No. 41] NEW DELHI, SATURDAY, OCTOBER 9, 1954

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 27th September 1954:—

Issue No.	No. and date	Issued by	Subject
223-A	S.R.O. 3118, dated the 23rd September 1954.	Delimitation Commission, India	Final order No. 18, in respect of the distribution of seats to, and the delimitation of, Parliamentary and Assembly constituencies in the State of Delhi.
224	S.R.O. 3119, dated the 24th September 1954.	Ditto	Corrections to Final order No. 15, dated the 23rd August 1954 (S. R. O. 2738).
225	S.R.O. 3120, dated the 25th September 1954	Ditto	Proposals for amendment of Final order No. 1, dated the 17th July 1953.
226	S.R.O. 3121, dated the 24th September 1954.	Ministry of Labour	Appointment of date on which the provisions of certain chapters of the Employees State Insurance Act, 1948 shall come into force in certain areas of the State of Bombay.
227	S.R.O. 3122, dated the 24th September 1954.	Election Commission, India	Designation of Electoral Registration Officer for the Inner Manipur and Outer Manipur Parliamentary constituencies in the State of Manipur.
	S.R.O. 3123, dated the 24th September 1954.	Ditto	Amendment made in the notification No. 62/23/51 Elec. II (4) dated the 22nd November 1951.
228	S.R.O. 3124, dated the 26th September 1954.	Ministry of Food and Agriculture	Wheat Movement Control Order, 1954.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF LAW

New Delhi, the 28th September 1954

S.R.O. 3163.—In pursuance of rule 2 of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government hereby authorises Shri S. B. Mandal, Solicitor, to act for the Central Government in respect of any judicial proceeding by or against that Government in the courts in Calcutta for the period commencing from the 18th October, 1954 and ending with the 6th November, 1954.

[No. F. 30(4)/54-L.]

B. N. LOKUR, Jt. Secy.

RESERVE BANK OF INDIA

NOTICE

Kanpur, the 28th September 1954

S.R.O. 3164.—Portions of the following note(s) of the Kanpur office of issue are stated to have been destroyed and an application for payment of its/their value has been received from the person whose name is shown against the number(s). Any other person/party who consider(s) himself/himselfs as having a right to it/item is/are warned to communicate at once with the undersigned.

Register No.	Note No	Value	Name and address of the applicant
W. D. 36/54-55	U/O-460914 (Asoka Pillar) U/2-130942 (Asoka Pillar)	Rs. 100/- Rs. 100/-	Shri Abdul Gani, s/o Kallu Sheikh Ansari, Town Nawab- ganj, Mohalla Jama Masjid, Dist. Bareilly.

[No. CL.10362W.D./36/54-55.]

K. C. MITTRA,
Currency Officer.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 1st October 1954

S.R.O. 3165.—In pursuance of sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following

further amendments shall be made in the schedule appended to its Notification No. 32—Income-tax, dated the 9th November, 1946, namely:—

In the said schedule under the sub-head 'III-B Bombay South' for the Ranges, Income-tax Circles and Wards, the following Ranges, Income-tax Districts, Circles and Wards shall be substituted, namely:—

<i>Range</i>	<i>Income-tax Districts, Circles and Wards</i>
Poona—I	<ul style="list-style-type: none"> (1) All Income-tax Circles and Wards having headquarters at Poona excluding Wards A, B & C. (2) Special Survey Bombay South Circle: <ul style="list-style-type: none"> (i) in respect of persons who have income from business, profession or vocation and have their principal place of business in the district of Poona; (ii) in respect of persons having income from sources other than business, profession or vocation and residing in the district of Poona; and (iii) in respect of the cases transferred to the Circle, under Section 5 (7A) of the Act. (3) Kolhapur District having headquarters at Kolhapur.
Poona—II	<ul style="list-style-type: none"> (1) Income-tax Wards A, B and C of Poona having headquarters at Poona. (2) All Income-tax Wards of South Satara District having headquarters at Sangli. (3) North Satara District having headquarters at Satara. (4) All Income-tax Wards of Ahmednagar District having headquarters at Ahmednagar.
Thana	<ul style="list-style-type: none"> (1) All Income-tax Wards of Thana District having headquarters at Thana. (2) All Income-tax Wards of Kolaba District having headquarters at Alibag. (3) Ratnagiri District having headquarters at Ratnagiri. (4) All Income-tax Wards of Sholapur District having headquarters at Sholapur. (5) Special Survey Bombay South Circle: <ul style="list-style-type: none"> (i) in respect of persons who have income from business, profession or vocation and have their principal place of business in the district of Thana; and (ii) in respect of persons having income from sources other than business, profession or vocation and residing in the district of Thana.
Dharwar	<ul style="list-style-type: none"> (1) All Income-tax Wards of Dharwar district having headquarters at Dharwar. (2) All Income-tax Wards of Belgaum District having headquarters at Belgaum. (3) All Income-tax Wards of Bijapur District having headquarters at Bijapur.

2. Where an Income-tax District, Circle or Ward stands transferred from one Range to another Range, appeals arising out of that Income-tax District, Circle or Ward and pending the date of this Notification before the Appellate Assistant Commissioner from whom the Income-tax District, Circle or Ward is transferred, the date of this Notification be transferred to and be dealt

Assistant Commissioner of Income-tax of the Range to whom the said District, Circle or Ward is transferred.

[No. 55.]

K. B. DEB, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 28th September 1954

S.R.O. 3166.—In exercise of the powers conferred by clause 11 of the Sugar and Gur Control Order, 1950, the Central Government subject to any general or special order which may from time to time be issued by it in this behalf, is pleased to direct that the powers under clause 7(ii) of the said order, shall also be exercisable by the Deputy Director (Sugar Accounts) and Inspectors in the Directorate of Sugar and Vanaspati, Ministry of Food and Agriculture.

[No. SV-105(3)/52-53]

S.R.O. 3167.—In exercise of the powers conferred by clause 11 of the Sugar and Gur Control Order, 1950, the Central Government is pleased to direct that the following further amendment shall be made in the late Ministry of Agriculture Notification No. S.R.O. 792 dated the 19th October, 1950:—

In "The Schedule" to the said Notification—

Under the Column "Designation of Officer" after the entry "Deputy Director (Vanaspati) Office of the Vegetable Oil Products Controller for India, Ministry of Food and Agriculture",

Add "Deputy Director (Sugar Accounts) and Assistant Directors" in the Directorate of Sugar and Vanaspati, Ministry of Food and Agriculture.

Under the Column "Extent of powers" against the above entry,

Add "All".

[No. SV-105(3)/52-53]

P. A. GOPALAKRISHNAN, Jt. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 28th September 1954

S.R.O. 3168.—It is notified for general information that Shri Chandulal J. Shah having tendered resignation of his membership of the Central Board of Film Censors, the Central Government has accepted the same with effect from the 13th September, 1954.

[No. 11/5/54-FC.]

D. KRISHNA AYYAR, Under Secy.

MINISTRY OF TRANSPORT

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 28th September 1954

Exercise of the powers conferred by rule 5 of the Indian Merchant's Employment Office, Bombay) Rules, 1954, the Central

Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the Ministry of Transport No. S.R.O. 1862, dated the 7th June, 1954, namely:—

In the said Notification, for entry No. 6 the following entry shall be substituted, namely:—

"6. Shri H. M. Desai".

[No. 15-MS(2)/54.]

S. K. GHOSH, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 28th September 1954

S.R.O. 3170.—In exercise of the powers conferred by section 4 of the Mica Mines Labour Welfare Fund Act, 1946 (XXII of 1946), read with sub-rule (2) of rule 3 of the Mica Mines Labour Welfare Fund Rules, 1948, the Central Government hereby directs that the following amendments shall be deemed to have been made in the notification of the Government of India in the Minlstry of Labour, No. S.R.O. 652, dated the 27th April, 1951:—

In the said notification:—

(1) for the period from the 11th to the 25th July, 1954, for entry (1), the entry "(1) Shri M. B. Raja Rao, Collector of Nellore, Chairman" shall be substituted;

(2) on and from the 26th July 1954, entry (1) shall be as follows:—

"(1) Shri K. C. Madappa, Collector of Nellore, Chairman."

[No. M-23(8)54.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 28th September 1954

S.R.O. 3171.—In pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, made under section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri C. R. Reddy, Commissioner of Labour, Andhra, to be the Regional Provident Fund Commissioner for the whole of the State of Andhra with effect from the 4th September 1954 to work under the general control and superintendence of the Central Provident Fund Commissioner.

[No. PF-516(184)(i).]

S.R.O. 3172.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Goverment hereby appoints with effect from 4th September 1954, Shri C. R. Reddy, Regional Provident Fund Commissioner, Andhra to be an Inspector for the whole of the State of Andhra, in addition to his own duties, for the purposes of the said Act, and of any Scheme made thereunder, in relation to factories within that State engaged in a controlled industry or in an industry connected with a mine or an oil field.

{No. PF-516(184)(ii).}

S.R.O. 3173.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby directs that Shri A. M. Saverinathan, Regional Provident Fund Commissioner, Madras, who was appointed in the Notification of the Government of India in the Ministry of Labour, No. S.R.O. 459, dated the 1st February, 1954, to be an Inspector for the whole of the States of Andhra and Madras with effect from the 1st October 1953, shall with effect from the 4th September, 1954, be appointed to be an Inspector for the whole of the State of Madras only for the purposes of the said Act and of any Scheme made thereunder in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oil-field.

[No. PF-516(184)(iii).]

—TEJA SINGH SAHNI, Under Secy.

New Delhi, the 28th September 1954

S.R.O. 3174.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Sri Jagan Beldar and 15 others workmen of the Loyabad Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION NO. 35 OF 1954

(arising out of Reference No. 6 of 1952)

In the matter of an application U/s 33A of I.D. Act.

PRESENT

Shri L. P. Dave, B.A. LL.B.—Chairman.

PARTIES

Shri Jagan Beldar and 15 others, Loading Coolies and Kamins, Loyabad Colliery, P.O. Bansjora, Dt. Manbhum—*Complainants*.

Vs.

Messrs. Burakur Coal Co. Ltd., Loyabad Colliery, P.O. Bansjora, Dt. Manbhum—*Opposite party*.

APPEARANCES

Shri Lalit Burman, General Secretary, Loyabad Labour Union, P.O. Bansjora, Dt. Manbhum, Bihar—*For the complainants*.

Shri D. N. Gupta, Messrs. Bird & Co. Ltd., P.O. Sijua, Dt. Manbhum—*For the opposite party*.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that on or about 12th June 1953 the management in league with others organised an assault and terrorisation against the complainants, who were finally driven out of the colliery by force and violence. It was further alleged that they were illegally and forcibly deprived of their jobs during the pendency of Reference No. 6 of 1952 and hence the present complaint. On being called upon to state the date or dates on which they were dismissed, the complainants stated that they were deprived of their jobs from 15th June 1953.

3. The opposite party raised several contentions. Among other things, it was contended that the present complaint was filed after an unreasonable delay and it should therefore be dismissed.

4. Section 33 of the Industrial Disputes Act prohibits an employer *inter alia* from dismissing a workman during the pendency of proceedings before a Tribunal in respect of an industrial dispute without the express permission from the Tribunal. Section 33A lays down that if an employer contravenes the provisions of Section 33 during the pendency of proceedings before a Tribunal, any workman aggrieved by such contravention may make a complaint in writing to such Tribunal. This section does not provide in express terms the time during which the complaint should be made, but it does not give a right to an aggrieved workman to make a complaint after an indefinite period. It is implicit in the section that the complaint must be made within a reasonable time of the act complained of. The true position would be that a complaint under this Section must be made as far as possible during the pendency of the proceedings and if it is made after such pendency, it should be made within a reasonable time. See the decision of Labour Appellate Tribunal, in the case of General Motors (India) Limited, 1954, Vol. I, L.L.J. page 676. It is true that this was a case under Section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950; but that section is similar to section 33A of the Industrial Disputes Act and the principles laid down in the above case would also be applicable to the present case.

5. The award in Reference No. 6 of 1952 was published in the *Gazette of India* on 10th October 1953 and hence under Section 20(3) read with Section 17A of the Industrial Disputes Act, the proceedings in that case must be deemed to have concluded from 10th November 1953. The present complaint has been filed on 15th May 1954. The complainants have alleged that they were dismissed from 15th June 1953. This would mean that the present complaint is filed more than six months after the conclusion of the proceedings before the Tribunal and eleven months after the act complained of. On the face of it therefore, it has been filed after an unreasonable delay. No reason has been alleged or proved as to why the complaint was filed after such a long delay. The complaint must therefore be dismissed.

I pass my award accordingly.

The 8th September, 1954.

(Sd.) L. P. DAVE, Chairman.

Central Government's Industrial Tribunal,
Dhanbad.

[No. LR-2(365)/I.]

S.R.O. 3175.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Rajak Mian, a workman of the Loyabad Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION NO. 72 OF 1954.

(arising out of Reference No. 6 of 1952)

In the matter of an application U/s 33A of the I.D. Act.

PRESENT

Shri L. P. Dave, B.A. LL.B. Chairman.

PARTIES

Rajak Mian, Hookman, Loyabad Colliery, P.O. Bansjora, Dt. ~~Manbhumi~~—
Complainant.

Vs.

M/s. Burakur Coal Co. Ltd., Loyabad Colliery, P.O. Bansjora, Dt. ~~Manbhumi~~—
Opposite party.

APPEARANCES

Shri Lalit Burman, General Secretary, Loyabad Labour Union, P.O. Bansjora, Dt. Manbhum—*For the complainant.*

Shri D. N. Gupta, Chief Personnel Officer, M/s. Bird & Co. Ltd., P.O. Sijua, Dt. Manbhum—*For the opposite party.*

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that he was working as a Hookman in the Loyabad Colliery from 1912. After a prolonged illness for about two months, he was discharged from the Colliery Hospital on 17th August 1953. At that time, the Medical Officer advised him to do some lighter job and wrote a letter accordingly to the Manager. Instead of giving him a lighter job, the Manager retired him by his letter dated 17th August 1953 on the ground that he was medically unfit to work further. This retirement amounted to dismissal and an alteration of service conditions during the pendency of Reference No 6 of 1952 and therefore amounted to contravention of Section 33 of the Industrial Disputes Act. Hence the complaint.

3. A preliminary objection was raised on behalf of the opposite party that the complaint was filed after an unreasonable delay and must be dismissed. In my opinion, this contention must be upheld.

4. Section 33 of the Act prohibits an employer during the pendency of proceedings before a Tribunal *inter alia* from discharging any workman concerned in such dispute without the express permission in writing from that Tribunal. Section 33A lays down that if an employer commits a breach of Section 33, the aggrieved employee may make a complaint in writing to the Tribunal. This section does not provide in express terms the time during which the complaint under it should be made; but it does not give a right to an aggrieved workman to make a complaint after an indefinite period. It is implicit in the section that the complaint must be made within a reasonable time of the act complained of. The true position would be that a complaint under this Section must be made as far as possible during the pendency of the proceedings and if it is made after such pendency, it should be made within a reasonable time. See the decision of the Labour Appellate Tribunal in the case of Central Motors (India) Ltd., 1954, Vol I, LLJ, page 676. It is true that this was a case under Section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950, but that section is similar to section 33A of the Industrial Disputes Act and the principles laid down in the above case would also be applicable to the present case.

5. The award in reference No 6 of 1952 was published in the *Gazette of India* on 10th October 1953 and hence under Section 20(3) read with Section 17A of the Industrial Disputes Act the proceedings in that case must be deemed to have concluded from 10th November 1953. In the present case, the complainant was retired from service by letter dated 17th August 1953. He filed the present complaint on 13th July 1954. In other words, the complaint is filed almost eleven months after the act complained of, and more than eight months after the conclusion of proceedings in reference No 6 of 1952. The delay is unreasonable. No reason has been given as to why the complaint was not filed earlier. Hence the complaint must fail on this ground.

6. Before closing, I may mention that in the present case, the complainant was made to retire because the Medical Officer found that he was not fit to work as a hookman. The Medical Officer however also stated that he may do some other ~~surface~~ job. The complainant also made an alternate request for being given some pension or gratuity. I was told that there was no suitable job to which the complainant could be appointed, and that under the rules of the company, he could not be given a gratuity as he had not completed 25 years of service. According to the management's case itself, the complainant had put in 23 years of service. In view of the fact that the complainant has put in such a long service and in view of the fact that he was made to retire on medical grounds because he was found not fit for a particular job and in view of the further fact that Medical Officer recommended that he may be given some other surface job, I would also recommend to the management to take a sympathetic view of the case and to reconsider the position

and to see if they could give him some alternate job or to some gratuity or the like.

7. As it is, the complaint, having been made after an unreasonable delay, fails and is dismissed.

I pass my award accordingly.

(Sd.) L. P. DAVE, Chairman,

The 8th September, 1954.

Government's Industrial Tribunal,
Dhanbad.

[No. LR-2(365)/II.]

S.R.O. 3176.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act, from Shri Rohan Meah and others, workmen of Barwadih Colliery, Giridih

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 59 of 1954

(arising out of Reference No. 6 of 1952)

In the matter of an application U/s 33A of the Industrial Disputes Act 1947.

PRESENT

Shri L. P. Dave, B.A. LL.B.—Chairman.

PARTIES

Rohan Meah and others, c/o Coal Workers Union, Barwadih, Giridih, Dt. Hazaribagh—Complainants.

Vs.

1. Superintendent of Collieries, Giridih.

2. Chief Mining Engineer, Railway Board, 1, Council House Street, Calcutta—opposite parties.

APPEARANCES

No appearance on behalf of the complainants.

No notice issued to the opposite party.

AWARD

This is a complainant under Section 33A of the Industrial Disputes Act.

2. The complainants alleged that though Reference No. 6 of 1952 was pending before this Tribunal, and when Appeal No. 161 of 1953 is still pending before the Appellate Tribunal the opposite parties have altered, to the prejudice of the complainants, their conditions of service, by making them to retire compulsorily at the age of 55 years.

3. As the complainants did not mention the date on which they were made to retire, they were called upon to state the dates. No reply was received to this notice. Thereupon another notice was sent to them, stating that unless a reply was sent within a week of the receipt of the notice, their complaint would be dismissed. Thereupon the Assistant Secretary of the Coal Workers Union, who has been authorised by the complainants to represent them in this matter, sent a reply stating that all the complainants were to retire on 1st July 1954. A letter was sent to him requesting that the reply should be signed by the complainants themselves and should also be verified by them; but no such reply was sent to this Tribunal. They were

thereafter called upon to shew how the complaint was maintainable. They have not done so.

4. Under Section 33 of the Industrial Disputes Act, no employer can, during the pendency of any proceedings before a Tribunal in respect of an industrial dispute, *inter alia* alter to the prejudice of the workmen concerned in such dispute their conditions of service, save with the express permission in writing of the Tribunal. Section 33A lays down that if an employer contravenes the provisions of Section 33 during the pendency of proceedings before a Tribunal, any employee aggrieved by such contravention may make a complaint in writing to such Tribunal. In other words, neither of the sections would be applicable unless the action complained of was taken during the pendency of proceedings before a Tribunal. The complainants have alleged in the complaint that action was taken against them, though Reference No. 6 of 1952 was pending before this Tribunal and when Appeal No. 165 of 1953 was pending before the Appellate Tribunal. The award in Reference No. 6 of 1952 was published in the *Gazette of India* dated 10th October 1953 and hence under Section 20(3) read with Section 17A of the Industrial Disputes Act, the proceedings in that reference must be deemed to have concluded from 10th November 1953. After that date, no proceedings were pending before this Tribunal between the opposite parties and their workmen and if the opposite parties changed the service conditions of any of the workmen after this, it could not be said that they had contravened the provisions of Section 33 of the Industrial Disputes Act, because of the pendency of Reference No. 6 of 1952 and no complaint under Section 33A could be filed before this Tribunal.

5. As I said above, it has now been stated that the complainants were made to retire on 1st July 1954. On that date, no reference was pending before this Tribunal and no complaint under Section 33A of the Act would therefore lie to this Tribunal. The complaint therefore fails and is dismissed.

I pass my award accordingly.

The 16th September, 1954.

(Sd.) L. P. DAVE, Chairman,
Central Government's Industrial Tribunal,
Dhanbad.

[No. LR-2(365)/I.]

ORDER

New Delhi, the 28th September 1954

S.R.O. 3177.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Jamadoba Colliery of Tata Iron and Steel Company Ltd., P.O. Jcalgora and their workmen, in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government refers the said dispute for adjudication to the Industrial Tribunal at Dhanbad, constituted under section 7 of the said Act.

THE SCHEDULE

- (i) Was the management justified in reducing the number of mine cars loaded and despatched, resulting in a cut in the wages of loaders? If not, what relief should be allowed to the workers and from what date?
- (ii) Should the rate for loading mine cars be fixed at Rs. 7-3-3 instead of the existing rate of Rs. 3-13-9?

- (iii) Should not the existing rate of lead for 81 and 85 cft. mine cars be increased, having regard to the rate recommended by the Conciliation Board (Colliery Disputes) in 1947 for 36 cft. tubs?
- (iv) Should rations be supplied to all dependants of colliery workers whether living in the colliery premises or outside?
- (v) Whether the clerks and workers of Foodstuff Section, who do not now work on Sundays, should get wages for seven days for six days' work.

[No. LR2(53)/54.]

P. S. EASWARAN, Under Secy.

